

# Memorandum

DATE: MAY 14 2007

REPLY TO  
ATTN OF: EM-60 (Dr. James Shuler, 301-903-5513)

SUBJECT: NRC Costs for NRC Certificates with DOE the Certificate Holders

TO: Distribution

The Nuclear Regulatory Commission (NRC) bills the Department of Energy (DOE) for all NRC Certificates of Compliance (CoC) where DOE is the Certificate Holder. NRC bills DOE an annual fee and separate hourly fees for each packaging. DOE programs/field offices are billed based on the certificates sponsored by their program/field office.

**Annual Fee:** The annual fee is listed in 10 CFR 171.16, under "Category 18 Department of Energy: A. Certificates of Compliance." The FY 2007 annual bill DOE will be \$1,066,000. The regulations currently show \$1,285,000, which was FY 2006 cost. For FY 2007, NRC has been billing DOE \$321,250 a quarter (1/4 of \$1,285,000). Once the FY 2007 cost is listed in the regulations, the quarterly charges will be adjusted to the FY 2007 rate. This annual rate is determined at the start of each Fiscal Year and is based on NRC's annual generic cost of ~\$4 million. The DOE share is based on the number of NRC CoCs where DOE is a certificate holder divided by the total number of NRC CoCs. The DOE distribution of the quarterly costs to DOE programs/field offices is based on the number of active NRC CoCs (DOE is the certificate holder) during that quarter. For example, if there are 30 active NRC CoCs, then the cost per CoC for that quarter would be  $\$321,250/30 = \$10,708.33$ .

**Hourly Fees:** The hourly cost is stated in 10 CFR 170.20. The proposed rate for FY 2007 is \$256 an hour. The current rate is \$214 an hour for non-spent fuel CoCs and \$217 an hour for spent fuel CoCs. The \$256 an hour rate will likely be put in place in May. The details of these hourly charges are shown in 10 CFR 170.31, "Category 18. Department of Energy: A/ Certificates of Compliance, Evaluation of casks, packages, and shipping containers (including spent fuel, high-level waste, and other casks, and plutonium air shipments)." The fee recovery for this action is "Full Cost." This means DOE is billed for every hour, or part of an hour, that is associated with any action concerning an existing CoC, CoC under review or planned, or special actions on CoCs. These bills are by Docket number which tract with existing or planned CoC numbers. DOE is billed at full recovery of NRC cost. This includes costs for phone calls, meeting, technical reviews, etc. Invoices have been received for as little as \$43 to the thousands of dollars. DOE programs are billed for these invoices based on Docket/certificate number. NRC may bill DOE on a monthly or quarterly basis. These hourly fees are over and above the annual fees.

Your program is responsible for payment of these fees. All work going to NRC from DOE and/or your contractors should be approved by your office, budgeted for, and have appropriate purchase orders and a line of accounting with accounting codes for payment in place before any calls made to NRC or any work or applications are sent to NRC.

If you have any questions, please contact Dr. James M. Shuler at (301) 903-5513.

A handwritten signature in black ink, appearing to read 'Dae Y. Chung', with a stylized, cursive script.

Dae Y. Chung  
Headquarters Certifying Official  
Deputy Assistant Secretary for  
Safety Management and Operations  
Office of Environmental Management

cc:

Inés Triay, EM-3  
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Distribution:

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